

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

RONALD S. FEDERICI,

Plaintiff,

vs.

MONICA PIGNOTTI, *et al.*,

Defendants.

CIVIL ACTION NO.: 1:10-cv-01418

**MEMORANDUM IN SUPPORT OF
PLAINTIFF'S MOTION TO DISMISS
WITHOUT PREJUDICE**

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PREJUDICE**

COMES NOW Plaintiff Ronald S. Federici ("Federici"), by counsel, and pursuant to Federal Rule of Civil Procedure 41(a)(2) and the Court's May 11, 2011 Order hereby submits the following Memorandum in Support of his Motion to Dismiss Without Prejudice:

Despite multiple attempts, counsel has been unable to reach Plaintiff regarding the Court's May 11, 2011 Order. Additionally, due to certain events not directly related to this litigation, counsel does not believe that he can ethically continue representing Plaintiff in any matter, including the instant case. Granting Federici's Motion to Dismiss Without Prejudice will allow Federici to seek alternate representation so that he may later continue to prosecute this matter against the remaining defendants.

"The Fourth Circuit has held that motions under 41(a)(2) 'should not be denied absent substantial prejudice to the defendant.'" *Shabazz v. PYA Monarch, LLC*, 271 F.Supp.2d 797, 799 (E.D.Va. 2003) (quoting *S.A. Andes v. Versant Corp.*, 788 F.2d 1033, 1036 (4th Cir. 1986)). "Therefore, the focus of this court when considering this motion is 'primarily on protecting the interests of the defendant.'" *Id.* As the remaining defendants are all unnamed John Does, no

prejudice or harm will result to them by granting Plaintiff's Motion to Dismiss Without Prejudice.

WHEREFORE, in consideration of the foregoing, Federici, by the undersigned counsel, respectfully requests that this Court grant his Motion to Dismiss Without Prejudice.

Dated: May 31, 2011

RONALD S. FEDERICI

/s/ Domingo J. Rivera

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CERTIFICATE

I hereby certify that on the 31st day of May, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

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